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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,745	08/10/2001	Yuichi Maruyama	14856	5936
23389	7590	12/13/2004	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			TALAPATRA, ANIKA F	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,745	Applicant(s) MARUYAMA, YUICHI	
	Examiner Anika F. Talapatra	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/10/2001</u> <u>5/21/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: All abbreviations used in the specification must first be defined in the specification.

On page 1, line 8, is the abbreviation CDMA. The corrected phrase should read Code Division Multiple Access (CDMA). Thereafter the abbreviation CDMA can be used in the specification. Appropriate correction is required.

On page 2, line 13, is the abbreviation IMT. The corrected phrase should read Internet Media Types (IMT). Thereafter the abbreviation IMT can be used in the specification. Appropriate correction is required.

On page 2, line 25, is the abbreviation RF. The corrected phrase should read Radio Frequency (RF). Thereafter the abbreviation RF can be used in the specification. Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: On page 16, lines 25 and 27, paging mode control unit 2 is referred to in figure 4. Figure 4 contains paging mode control unit 32. Therefore page 16 lines 25 and 27 should be corrected to refer to paging mode control unit 32. Appropriate correction is required.

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4. The disclosure is objected to because of the following informalities: On page 17, line 29, RAKE receiving demodulation unit 1 is referred to. This phrase refers to the system in figure 4. Figure 4 contains RAKE receiving demodulation unit 31. Therefore page 17 line 29 should be corrected to refer to RAKE receiving demodulation unit 31. Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: On page 18, line 15, paging mode control unit 2 is referred to in figure 4. Figure 4 contains paging mode control unit 32. Therefore page 18 line 15 should be corrected to refer to paging mode control unit 32. Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: On page 18, lines 16 and 17, RAKE receiving demodulation unit 1 is referred to. This phrase refers to the system in figure 4. Figure 4 contains RAKE receiving demodulation unit 31. Therefore page 18 lines 16 and 17 should be corrected to refer to RAKE receiving demodulation unit 31. Appropriate correction is required.

Allowable Subject Matter

7. Claims 1 to 7 are allowed except for the formal matters detailed in 2 to 6 above. The following is an examiner's statement of reasons for allowance: claims 1 to 7 are allowed because a search of prior art of record failed to teach, either alone or in combination, a method or apparatus for paging mode control method wherein the data is RAKE received, and a first delay profile is formed by a speech mode and a second delay profile is formed by a paging mode, and the second delay profile is wider than the first.

Frank et al. teaches two data modes, but does not teach forming a delay profiles based on a first speech mode and a second paging mode. Ylitalo et al.

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teaches a RAKE receiver with N fingers, but does not teach delay profile calculation based on a first speech mode and a second paging mode where the second delay profile is wider than the first. Ogino teaches a RAKE receiver, where the second delay is longer than the first delay, but does not each delay profile calculation based on a first speech mode and a second paging mode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- i. U.S. Patent 6731622, Frank et al.;
- ii. U.S. Patent 6215814, Ylitalo et al.;
- iii. U.S. Patent 5781541, Schneider, A.;
- iv. U.S. Patent 6813309, Ogino, T.; and
- v. Abeta, S. DS/CDMA Coherent Detection System with a Suppressed Pilot Channel.

9. This application is in condition for allowance except for the following formal matters detailed in numbers 2 to 6 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anika F. Talapatra whose telephone number is 571-272-6039. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.T.

A. T.

12/7/04
Phuong Phu

PHUONG PHU
PRIMARY EXAMINER